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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087881.964	06/05/97	LEE	

RAYMOND YAT CHIU CHAN  
516 SAN LUIS REY ROAD  
ARCADIA CA 91007

QM61/1117

EXAMINER
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LEE, D

ART UNIT	PAPER NUMBER
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3743

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DATE MAILED: 11/17/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/881,964

Applicant(s)  
Thomas Ping Hua Lee

Examiner  
David Lee

Group Art Unit  
3743



☒ Responsive to communication(s) filed on Jun 5, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☒ Claim(s) 8-13 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 1 cites a safety device of a piezoelectric lighter which comprises a casing etc, it is unclear if the safety device being claimed comprises the casing etc, or whether the piezoelectric lighter comprises the casing etc. Claim 1 cites "a pressure absorbing device" which is indefinite as to what constitutes this device since no structural elements of the "device" is defined, and also what make up "a pressure absorbing device" versus an unspecified device. Claim 1 line 15 cites "providing an additional press resistance to said thumb-push cap" is indefinite as to the phrase "additional press resistance" in regards to some other press resistance to the thumb-push cap which has not been defined. Claim 1 lines 16-17 cites "so as to resist a downwardly pressing force applied by an under age child on said thumb push cap while an adult is capable of pushing down said thumb-push cap easily" is indefinite as to how this is accomplished and what is being specifically claimed, the specification only implies this is due to the applicant's device

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adding an additional upward force to the thumb-push cap in addition to that provided by the piezoelectric unit.

Claims 2-7 cites “a deformable resistance piece” which is indefinite as to what constitutes this piece since no structural elements of the “piece” is defined, and also what make up “a deformable resistance piece” versus an unspecified piece. Also most solid materials are considered “a deformable resistance piece”, dependent upon the amount of force or work (such as heat of high temperature) applied.

Claim 3 line 4 cites “said deformable resistance piece being fittedly inserted into said holding ring” is indefinite as to where the piece is fitted, for example is the piece inserted into the center cavity of the holding ring which was not previously defined, or into some other part of the holding ring which has not been defined.

Claims 4 and 5 cites “a tubular receiving guider” which is indefinite in regards to whether this refers to the guider receives a tubular member, or whether the guider is tubular in shape having a cylindrical wall and inner diameter. Line 5 “A length longer than a length of said elastic element” is indefinite as to what feature of the guider is being referred to. Line 5 “said elastic element being received inside said receiving guider” is indefinite as to what part of the elastic element is received inside the guider and what structure of the guider is being referred to by the phrase “inside the guider”.

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An action on the merits of claims 1-7 can not be rendered due to the lack of disclosure pertaining to the claimed subject matter. The non-application of art against these claims should not be construed as an indication that these claims contains allowable subject matter.

### ***Allowable Subject Matter***

3. As best can be determined, claims 8-13 contain allowable subject matter and are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, dependent upon amendment to meet 35 USC 112 requirements, and on the exact wording of the amended claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Schlamp, Kenjiro et al* (5,368,473 and 5,240,408), *Iwahori, Frigiere* (5,334,011; 5,178,532 and 5,228,849), *Nollas, Zellweger* (5,104,313), *Zellweger et al* (4,859,174), *Yang, McDonough et al* (5,427,522 and 5,584,682), *Ansquer* (5,472,338 and 5,558,514), *Kim, Mohr, Iwasaki et al, Nitta* (4,471,404; 4,786,248; 4,859,248; and 4,810,187), *Sher*, and *Lin* teach lighter apparatus.


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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to David B. Lee whose telephone number is (703) 305-0181. The examiner can normally be reached on weekdays from 8:00 to 4:30. Group receptionist number is (703) 308-0861.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus, can be reached on (703) 308-1935. The fax phone number for this Group is (703) 308-7764.

DBL

10/30/1998

  
Ira S. Lazarus  
Supervisory Patent Examiner  
Group 3700